

**TRANSMITTAL
FORM**

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/691,383	
	Filing Date	October 21, 2003	
	First Named Inventor	Vreeland,, Valerie	
	Art Unit	1652	
	Examiner Name	Walicka, Malgorzata A.	
Total Number of Pages in This Submission	5	Attorney Docket Number	023070-087130US

ENCLOSURES (Check all that apply)

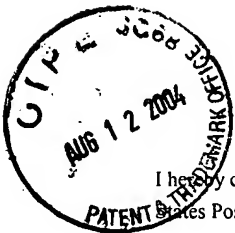
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Restriction Requirement (3pp); Return Postcard
Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Townsend and Townsend and Crew LLP	Reg. No. 54,111
Signature		
Date	August 9, 2004	

CERTIFICATE OF TRANSMISSION/MAILING

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Typed or printed name	Stephanie J. Whitehurst		
Signature		Date	August 9, 2004



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On August 9, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: Stephanie J. Whitehurst

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

VREELAND, Valerie

Application No.: 10/691,383

Filed: October 21, 2003

For: RECOMBINANT MINIMAL
CATALYTIC VANADIUM
HALOPEROXIDASES AND THEIR
USES

Customer No.: 20350

Confirmation No. 8387

Examiner: WALICKA, Malgorzata A.

Technology Center/Art Unit: 1652

RESPONSE TO RESTRICTION
REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office communication mailed July 8, 2004, Applicants elect Group II, claims 14-24, drawn to a vanadium haloperoxidase polypeptide, for further prosecution. This election is made with traverse.

Basis for restriction practice is illustrated in 35 U.S.C. §121, "[i]f two or more independent and distinct inventions are claimed in one application, the Director [of the Patent and Trademark Office] may require the application to be restricted to one of the inventions." The meaning of "independent" and "distinct" is further provided by MPEP §802.01: the term "independent" means that there is no disclosed relationship between the two or more subjects disclosed; the term "distinct" means that two or more subjects as disclosed are related, for example, as combination and part thereof, process, and apparatus for its practice, process and product made, etc., but are capable of separate manufacture, use, or sale as claimed.

The present application relates to the discovery of a minimal catalytic structure to support the enzymatic activity of a vanadium haloperoxidase. This discovery allows the recombinant production of minimal catalytic vanadium haloperoxidases and use of such recombinant polypeptides in enzymatic halogenation of compounds. The subject matter of the restriction requirement, particularly that of Groups II and III, are closely related as the claimed method of enzymatic halogenation of Group III requires the use of the recombinant minimal catalytic vanadium haloperoxidase of Group II. Thus, the subjects upon which the restriction requirement is imposed are not "independent" under 35 U.S.C. §121 according to the MPEP's definition.

Nor are the subjects "distinct" under 35 U.S.C. §121 according to the MPEP's definition. Because the claimed enzymatic halogenation method of Group III relies on the recombinant polypeptides of Group II, they cannot be separated from each other when the claimed method is practiced.

Because of the common inventive concept and the close relation between the subject matter of Groups II and III, the examination of these two Groups together would not impose any additional, unreasonable burden on the Examiner. Applicants respectfully submit that the restriction requirement is improper and request that the Examiner reconsider and withdraw the requirement.

Appl. No. 10/691,383
Resp. dated August 9, 2004
Reply to Office communication of July 8, 2004

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Chuan Gao
Reg. No. 54,111

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